

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

The Applicant hereby affirms the election, with traverse, made by Jeffrey Makeever on April 15, 2005. That is, the Applicant has presently elected to prosecute Claims 1-12 of Group 1, as presented in the outstanding Office Action; and has withdrawn Claims 13-30 and 26-33 of Group II and Claims 21-25 of Group III from further consideration. By this election however, the Applicant does not acquiesce to the grouping of claims asserted in the Office Action, but rather has made the election to expedite prosecution of Claims 1-12 to allowance. The Applicant, therefore, may choose to prosecute withdrawn Claims 13-33 in one or more divisional applications without prejudice.

With regard to the present amendments, Claim 1 has been editorially amended to avoid any indefiniteness, primarily by ensuring that there are no antecedent basis problems. No new subject matter is intended to be added by these amendments. Favorable consideration is respectfully requested.

The Rejection Under 35 U.S.C. § 102(b)

Claims 1, 5, and 7-12 were rejected under 35 U.S.C. §102(b) as being anticipated by Nessett, *et al.* (U.S. Patent No. 5,968,176; hereafter "Nessett"). The Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

In particular, the Applicant respectfully submits that Nessett fails to teach every element of Claim 1, from which the remainder of Claims 5 and 7-12 depend, as required by MPEP §2131, which states, in part:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v.*

Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

For example, the distributed firewall (DFW) of Claim 1 includes, in part, "an access control component for providing purpose authorization for authenticated users based on rules in a connection policy associating users with purposes," (emphasis added). Contrary to the rejection, the Applicant submits that this feature is not described, expressly or inherently, by Nessett.

To support the assertion of anticipation with regard to the aforementioned "access control component" of Claim 1, the rejection references Nessert, column 12, lines 10, 11, and 17-19; and Nessert, column 16, lines 6-10. However, none of these cited passages are sufficient to show the identical invention in as complete detail as is contained in the claim (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)) as further required by MPEP §2131.

Specifically, Nessett, col. 12, lines 10 and 11 teach that either of a network interface card (hereafter "NIC") or a modem may support network access control; Nessett, col. 12, lines 17-19 teaches that such network access control by a NIC may implement a security policy, and Nessert col. 16, lines 6-10 refer to "a set of filtering rules specific to that user." But none of the cited passages, including the description of user-specific filtering rules at col. 16, teach that the NIC or model authenticate users based on rules in a connection policy associating users with purposes, as in Claim 1. Even more specifically, none of the cited portions of Nessett sufficiently support the assertion that specific filtering rules function as purpose authorizations (Office Action, page 5, lines 5 and 6).

Therefore, for at least the reasons set forth above, it is respectfully submitted that the teachings of Nessett are insufficient to support an anticipation rejection of Claim 1. In addition, based on their dependency upon Claim 1, it is further submitted that Claims 5 and 7-12 are similarly distinguishable over Nessett. Thus, is respectfully requested that the rejection under 35 U.S.C. §102(b) be reconsidered and withdrawn.

The Rejection Under 35 U.S.C. § 103(a)

Claims 2-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nessett in view of Harkins, *et al.* (RFC 2409, "The Internet Key Exchange"; hereafter "Harkins"). The Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

In particular, Claims 2-4 depend from Claim 1, either directly or indirectly; and Claim 1 is patentably distinguishable over Nessett for at least the reasons set forth above. With further regard to independent Claim 1, the Applicant respectfully submits that Harkins does not have any teachings that are able to compensate for the deficiencies of Nessett. Specifically, Harkins does not teach or suggest authenticating users based on rules in a connection policy associating users with purposes, as is presently claimed, nor is such an assertion made in the rejection.

Therefore, based on their dependency upon Claim 1, it is respectfully submitted that Claims 2-4 are distinguishable over Nessett and Harkins, both singularly and in combination together. Accordingly, for at least the reasons set forth above, it is respectfully requested that the outstanding rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

The remaining references of record have been studied. It is respectfully submitted that they do not compensate for the deficiencies of the references cited to reject Claims 1-12.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice to that effect is earnestly solicited.

Respectfully submitted,
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